

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT ILLINOIS, EASTERN DIVISION**

SHAWN HOLBROOK, on behalf of	)	
himself and all others similarly situated,	)	
	)	Case No. 08 C 385
Plaintiff,	)	
	)	Judge Amy J. St. Eve
v.	)	
	)	Magistrate Judge Arlander Keys
MARRIOTT INTERNATIONAL, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION TO REMAND**

Plaintiff SHAWN HOLBROOK, by his attorneys, moves this Court for an order remanding his state law claims to the Circuit Court of Cook County, Illinois. In support of this motion, Plaintiff states as follows:

1. Plaintiff filed this action on December 5, 2007, in the Circuit Court of Cook County, Illinois, asserting three claims under state law and one claim under the Fair Labor Standards Act (the "FLSA"). In brief, Plaintiff alleges that Defendant breached his employment contract and violated state and federal statutes by underpaying his regular and overtime wages.

2. On January 17, 2008, Defendant removed the action to this Court. (A copy of the Notice of Removal is attached as **Exhibit A** hereto.) Defendant asserts that the Court has federal question jurisdiction over Plaintiff's FLSA claim and supplemental jurisdiction over his state claims. Defendant also asserts that the Court has diversity jurisdiction over Plaintiff's state claims.

3. The Court lacks diversity jurisdiction over Plaintiff's state claims because Defendant has not shown that the \$75,000 amount in controversy requirement is met and because Plaintiffs' claims cannot be aggregated with those of putative class members' to reach the

jurisdictional amount. 28 U.S.C. § 1332(a); *Oshana v. Coca-Cola Co.*, 472 F.3d 506, 511 (7th Cir. 2006).

4. Furthermore, the Court should decline to exercise supplemental jurisdiction over Plaintiffs' state law claims because they substantially predominate over his FLSA claim. 28 U.S.C. § 1367(c)(2); *De Asencio v. Tyson Foods, Inc.*, 342 F.3d 301 (3d Cir. 2003).

5. In further support of this motion, Plaintiff submits the accompanying Memorandum of Law in Support of Plaintiff's Motion to Remand.

WHEREFORE, Plaintiff SHAWN HOLBROOK respectfully requests that this Court enter an order remanding his state law claims to the Circuit Court of Cook County, Illinois.

Dated: February 4, 2008

Respectfully submitted,

SHAWN HOLBROOK, on behalf of himself and all  
others similarly situated, Plaintiff

By: /s/ Jeffrey J. Halldin  
One of His Attorneys

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The undersigned hereby certifies that on February 4, 2008, he caused the foregoing document to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, by using its Electronic Case Filing System which will send a Notice of Electronic Filing to the following Filing Users:

Noah A. Finkel

Collin M. Connor

The undersigned also certifies that on the above date he caused the foregoing document to be mailed by United States Postal Service to the following non-Filing Users:

(Not Applicable)

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